

Appl. No. : 10/646,333
Filed : August 22, 2003

SUMMARY OF INTERVIEW

Applicants thank Examiner Kremer for the courteous and helpful interview conducted with Applicants' representatives, Laura Johnson and James H. Brauker, on June 21, 2005.

Exhibits and/or Demonstrations

None.

Identification of Claims Discussed

Claims 124-173.

Identification of Prior Art Discussed

U.S. 5,833,603 to Kovacs et al.; U.S. 6,049,727 to Crothall.

Proposed Amendments

Applicants proposed to amend Claims 167, 169, and 170 to recite "a porous biointerface material covering at least a portion of the sensing region that supports tissue ingrowth." The Examiner suggested further amendments to clarify the relationship between the sensing region and the sensor in regard to analyte transport, so as to overcome the Section 112, second paragraph rejection.

Principal Arguments and Other Matters

Applicants argued that the cited references neither anticipate nor render obvious devices wherein a porous biointerface material that supports tissue ingrowth covers at least a portion of the sensing region (independent Claims 124, 167, 168, 169, and 170), the sensing means (independent Claim 171), or the analyte transport region (independent Claims 172 and 173). Applicants further argued that written description support for a porous biointerface material covering at least a portion of the analyte transport/sensing region, wherein the same material supports tissue ingrowth is found in Paragraph [0151] of the specification as filed.

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Results of Interview

Applicants and Examiner agreed that the proposed amendments with the Examiner's suggestions would overcome the art of record, but further search and consideration would be required before a Notice of Allowance could issue.

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REMARKS

Claims 124-173 are pending in this application. Claims 124 and 167-173 have been amended. Support for the amendments is found in the specification and claims as filed.

Interview

Applicants thank Examiner Kremer for the courteous and helpful interview conducted with Applicants' representatives, Laura Johnson and James H. Brauker, on June 21, 2005.

Claim Rejections - 35 U.S.C. § 112, first paragraph

Claims 124-166, 168, and 171-173 have been rejected under Section 112, first paragraph, as failing to comply with the written description requirement. As discussed in the Interview, support for a porous biointerface material covering at least a portion of the analyte transport/sensing region, wherein the same material supports tissue ingrowth, is found in Paragraph [0151] of the specification as filed. In view of the foregoing, Applicants respectfully request withdrawal of the rejection.

Claim Rejections - 35 U.S.C. § 112, second paragraph

Claims 124-166, 168, 170, 172, and 173 have been rejected as indefinite. Claim 124 has been amended to recite "a sensing region adapted for transport of an analyte thereto." Claims 168 and 170 has been amended to recite "a sensing region adapted for transport of analytes thereto." Claims 172 and 173 have been amended to recite "an analyte transport region adapted for transport of analytes thereto." In view of the foregoing amendments, Applicants respectfully request withdrawal of the rejection.

Claim Rejection - 35 U.S.C. §102(b)

Claims 167 and 169 have been rejected under 35 U.S.C. §102(b) as anticipated by U.S. 5,833,603 to Kovacs et al. Claims 167 and 169 have been amended to recite, *inter alia*, "a porous biointerface material covering at least a portion of the sensing region, wherein the porous biointerface material covering the portion of the sensing region supports tissue ingrowth." Applicants gratefully note the Examiner's agreement during the Interview that the amendment

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overcomes this rejection. Accordingly, Applicants respectfully request the rejection be withdrawn.

Claim Rejection - 35 U.S.C. §103(a)

Claim 170 has been rejected under 35 U.S.C. §103(a) as obvious over U.S. 5,833,603 to Kovacs et al., and further in view of U.S. Publ. No. 2003/0114735 to Silver et al. Claim 170 has been amended to recite, *inter alia*, "a porous biointerface material covering at least a portion of the sensing region, wherein the porous biointerface material covering the portion of the sensing region supports tissue ingrowth." Applicants gratefully note the Examiner's agreement during the Interview that the amendment overcomes this rejection. Accordingly, Applicants respectfully request the rejection be withdrawn.

Claim Rejection - 35 U.S.C. §103(a)

Claims 124, 126, and 166 have been rejected under 35 U.S.C. §103(a) as obvious over U.S. 6,049,727 to Crothall in view of U.S. 6,409,674 to Brockway et al. Claim 124 has been amended to recite, *inter alia*, "a porous biointerface material that covers at least a portion of the sensing region, wherein the porous biointerface material covering the portion of the sensing region supports tissue ingrowth." Claims 126 and 166 depend from Claim 124. Applicants gratefully note the Examiner's agreement during the Interview that the amendment overcomes this rejection, provided a clarifying amendment to overcome the Section 112, second paragraph rejection is also made (see discussion above regarding Section 112, second paragraph). Accordingly, Applicants respectfully request the rejection be withdrawn.

Claim Rejection - 35 U.S.C. §103(a)

Claims 124, 127-130, 132-142, 145-161, 165, 168, and 171-173 have been rejected under 35 U.S.C. §103(a) as obvious over U.S. 5,833,603 to Kovacs et al., in view of U.S. 6,409,674 to Brockway et al., and in further view of U.S. 6,066,083 to Slater et al. Claim 124 has been amended to recite, *inter alia*, "a porous biointerface material that covers at least a portion of the sensing region, wherein the porous biointerface material covering the portion of the sensing region supports tissue ingrowth." Claims 167, 168, and 169 have been amended to recite, *inter alia*, "a porous biointerface material covering at least a portion of the sensing region, wherein the

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porous biointerface material covering the portion of the sensing region supports tissue ingrowth." Claim 171 has been amended to recite, *inter alia*, "a porous biointerface material covering at least a portion of the sensing means, wherein the porous biointerface material covering the portion of the sensing means supports tissue ingrowth." Claims 172 and 173 have been amended to recite, *inter alia*, "a porous biointerface material covering at least a portion of the analyte transport region, wherein the porous biointerface material covering the portion of the analyte transport region supports tissue ingrowth." Applicants gratefully note the Examiner's agreement during the Interview that the amendment overcomes this rejection. Accordingly, Applicants respectfully request the rejection be withdrawn.

Claim Rejection - 35 U.S.C. §103(a)

Claims 125 and 126 have been rejected under 35 U.S.C. §103(a) as obvious over U.S. 5,833,603 to Kovacs et al., in view of U.S. 6,409,674 to Brockway et al., and in further view of U.S. 6,066,083 to Slater et al. as applied to Claim 124, and further in view of U.S. Publ. No. 2003/0125613 to Enegrin et al. Claims 125 and 126 are dependent to Claim 124, which has been amended to overcome all other pending rejections. Accordingly, Applicants respectfully request the rejection be withdrawn.

Claim Rejection - 35 U.S.C. §103(a)

Claims 131 and 143-144 have been rejected under 35 U.S.C. §103(a) as obvious over U.S. 5,833,603 to Kovacs et al., in view of U.S. 6,409,674 to Brockway et al., and in further view of U.S. 6,066,083 to Slater et al. as applied to Claim 124, and further in view of U.S. Patent 6,454,710 to Ballerstadt et al., and further in view of U.S. Patent 4,197,840 to Beck et al. Claims 131 and 143-144 are dependent to Claim 124, which has been amended to overcome all other pending rejections. Accordingly, Applicants respectfully request the rejection be withdrawn.

Claim Rejection - 35 U.S.C. §103(a)

Claims 162-164 have been rejected under 35 U.S.C. §103(a) as obvious over U.S. 5,833,603 to Kovacs et al., in view of U.S. 6,409,674 to Brockway et al., and in further view of U.S. 6,066,083 to Slater et al. as applied to Claim 124, and further in view of U.S. Publ. No. 2003/0114735 to Silver et al. Claims 162-164 are dependent to Claim 124, which has been

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amended to overcome all other pending rejections. Accordingly, Applicants respectfully request the rejection be withdrawn.

Conclusion

In view of the foregoing amendments and remarks, it is respectfully submitted that the present application is in condition for allowance. Should the Examiner have any remaining concerns that might prevent the prompt allowance of the application, the Examiner is respectfully invited to contact the undersigned at the telephone number below.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 7/15/05

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